

Remarks/Arguments

The Examiner rejected claim 1 as anticipated by US5,778,173 to Apte. In Apte, when an Internet user requests a purchase from a vendor server, the vendor server returns a purchase order number and also sends the purchase order number over a secure link to a transaction server. Under control of software provided on the user's PC, the PC suspends communication with the vendor server and establishes communication with the transaction server over a secure link. This may be a telephone link. (Col. 3, lines 15 – 19 and 38 – 52.) The user then provides the transaction server with the purchase order number and a credit card number. The transaction server then transmits the completed order to the vendor. (Col. 4, lines 30 – 43.)

Amended claim 1 requires provisioning a set of computer readable instructions with transaction-specific information comprising a transaction identifier and private network access information then sending a message addressed to a client over the public Internet with the set of computer readable instructions. As Apte lacks these features, it is submitted amended claim 1 patentably defines over Apte.

The Examiner rejected claim 12 as anticipated by Apte. In Apte “the user is provided with software to be executed on the computer 10 which automatically performs the transition in communication from the WWW 12 to the transaction server 19” (col. 3, lines 15 to 18). However, amended claim 12 requires “sending a message addressed to said client over said public Internet with a set of computer readable instructions having transaction-specific information” and “prior to said sending said transaction message, sending a set-up message addressed to said client over said public Internet with a set of computer executable instructions for determining resources of said client for connecting to said private network.”. Apte does not do this. As Apte lacks these features, it is submitted amended claim 12 patentably defines over Apte.

The Examiner rejected claim 21 as anticipated by Apte. In Apte "the user is provided with software to be executed on the computer 10 which automatically performs the transition in communication from the WWW 12 to the transaction server 19" (col. 3, lines 15 to 18). However, claim 21 requires "sending a message addressed to said client over said public Internet with a set of computer executable instructions for determining resources of said client for connecting to a private network". Apte does not do this. As Apte lacks these features, it is submitted claim 21 patentably defines over Apte.

The Examiner rejected claim 22 as obvious over Apte in view of US5,729,594 to Klingman. In Klingman a user may access a TRY server to obtain a software demo. The TRY server has a 900 number that the user may call to access a BUY server in order to purchase a hardware or software product. Klingman states at col. 10, line 62 to col. 11, line 3:

Upon connection of the 900 direct line, the user is charged by telco a fee associated with connection of the 900 call. This fee may be assessed in a number of ways including directly associating the fee with the period of time during which the 900 call remains connected. If the client wishes to purchase non-software goods, the cost may also include the price of the merchandise. Therefore, the user receives in his regular telephone bill a statement of the merchandise price including any 900 telephone call service charges.

Claim 22 recites "determining an appropriate chargeable telephone number based upon said purchase amount". Neither Apte nor Klingman does this. Apte does not do this. And Klingman does not do this. As Apte and Klingman lack this feature, it is submitted claim 22 patentably defines over these references.

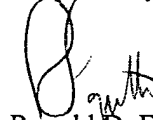
Appl. No. 10/081,265
Group Art Unit: 3621
Amdt. Dated February 10, 2006
Reply to Office Action of September 30, 2005

- Page 10 -

The Examiner rejected claim 26 as obvious over Apte in view of US publication no. 2002/0066039 to Dent. Claim 26 recites: "dial and establish a connection to a specific telephone number ... receive a message over said connection with a ... URL ... and password". The Examiner relies on Apte as showing this, and specifically, col. 4, lines 8-25 of Apte. This portion of Apte states: "In one particular embodiment of the invention, the computer first uses the Universal Resource Locator (URL) of the vendor and attempts to retrieve the phone number for its transaction server from a locally stored directory." Therefore, it is submitted that, contrary to the suggestion of the Examiner, Apte does not disclose the noted features of claim 26. Dent, relied upon by the Examiner for the feature of displaying a password, also does not disclose these recited features. Therefore, it is submitted that claim 26 patentably defines over Apte and Dent.

The remaining claims depend from one or other of claims 1, 12, 21, 22, and 26. Therefore, it is submitted that all claims patentably define over the art of record and early favourable reconsideration of this application is earnestly solicited.

Respectfully submitted,



Ronald D. Faggetter
Registration No. 33,345

SMART & BIGGAR
438 University Avenue
Suite 1500, Box 111
Toronto, Ontario
Canada M5G 2K8
Telephone: (416) 593-5514
Facsimile: (416) 591-1690

February 10, 2006

92648-2 RDF:bw